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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,385	11/16/2000	John R. Kochan JR.	MPP 29.1 US	9801

7590 06/20/2002

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EXAMINER

VO, HIEN XUAN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 06/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/714,385

Applicant(s)

KOCHAN ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

Serial No.: 09/714,385  
Art Unit: 2863

2

**DETAILED ACTION**

***Notice to Applicant(s)***

1. This application has been examined. Claims 1-33 are pending.

***Drawings***

2. The drawings are objected to under 37 CFR § 1.84 for the reasons set forth by the draftsman. See attached PTO-948 form for details. Correction is required.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

~~A person shall be entitled to a patent unless --~~

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-33 are rejected under 35 U.S.C. § 102(b) as being

anticipated by Wissenbach et al. (U.S. Patent No. 5,633,809).

With respect to claim 1, Wissenbach et al. disclose a multi-function flow monitoring apparatus with area velocity sensor capability including a control circuitry, circuitry for storing a manually settable fluid flow rate parameter (see e.g. Fig. 5) and time interval determination circuitry (see e.g. Figs. 29, 33A and col. 7, lines 48-58).

With respect to claims 2-9, Wissenbach et al. disclose the invention as claimed including a processor, the flow determining program, instructions, a visual display, an input device for entry of at least one parameter, a key pad, a storage of a fluid (see e.g. Fig. 5).

With respect to claims 10-19, Wissenbach et al. disclose the invention as claimed including the schedule, instructions for producing a plurality of timed fluid delivery output signal, instructions for entry and storage of a delivery schedule (see e.g. col. 9, lines 26-46), an input device coupled to the control circuitry (see e.g. col. 1, lines 21-32), a source of electrical energy, AC/DC power supply (see e.g. col. 4, lines 10-14), a replaceable battery (see e.g. col. 7, lines 16-17), an input port for receipt of a signal indicative of a depth of fluid in storage (see e.g. col. 10, lines 32-36), an audible output device and a input port for receipt of a signal indicative of a depth of fluid in storage and instructions for actuating the audible output

Serial No.: 09/714,385  
Art Unit: 2863

4

device (see e.g. Figs. 20-30 and col. 16, lines 14-63).

With respect to claims 20-33, the limitations of these claims have been noted in the rejection above. They are therefore considered rejected as set forth above.

### ***Conclusion***

5. All claims are rejected.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

Reams et al. (U.S. Patent No. 5,051,920) disclose a flow-meter data collection and processing system.

Otten et al. (U.S. Patent No. 5,139,044) disclose a fluid control system.

Hungerford et al. (U.S. Patent No. 5,299,141) disclose an automatic fluid monitoring and sampling apparatus and method.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be

Serial No.: 09/714,385  
Art Unit: 2863

5

reached on (703)308-0719.

**Any response to this action should be mailed to:**

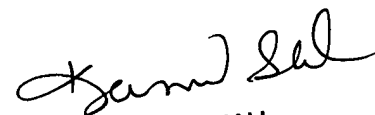
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-7382 (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Plaza 4, Arlington. VA.,  
Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703)308-0956.

  
KAMINI SHAH  
PRIMARY EXAMINER  
A. V. 2863

**HIEN VO**  
June 12, 2002